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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/009,206   | 03/06/2002  | George M. Brookner   | 770P009542-US(PCT)  | 8222             |
| 2512   | 7590        | 04/11/2006           | EXAMINER            |                  |
| PERMAN & GREEN<br>425 POST ROAD<br>FAIRFIELD, CT 06824 |             |                      | HOFFMAN, BRANDON S  |                  |
|  |             |                      | ART UNIT            | PAPER NUMBER     |
|  |             |                      | 2136                |                  |

DATE MAILED: 04/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                                |                                     |  |
|------------------------------|--------------------------------|-------------------------------------|--|
| <b>Office Action Summary</b> | Application No.<br>10/009,206  | Applicant(s)<br>BROOKNER, GEORGE M. |  |
|                              | Examiner<br>Brandon S. Hoffman | Art Unit<br>2136                    |  |

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 January 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. Claim 1-35 are pending in this office action.
2. Applicant's arguments with respect to claims 1, 8, 15, 19, 26, and 32 have been considered but are moot in view of the new ground(s) of rejection.

### *Claim Rejections*

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

### *Claim Rejections - 35 USC § 103*

4. Claims 1-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fisher et al. (U.S. Patent No. 6,092,189) in view of Chou et al. (U.S. Patent No. 5,892,906).

Regarding claims 1, 15, 19, and 32, Fisher et al. teaches a method/apparatus for serving a plurality of devices through a communications network, the apparatus comprising:

- A memory for storing a plurality of records associated with the devices, respectively (fig. 1, ref. num 112 and col. 11, lines 30-35);
- An input element for receiving from a selected device a request **that is generated upon initial power up of the selected device, for configuration of**

**the selected device from a generic configuration to a selected or custom configuration** through the communications network, the request including first information concerning a first identifier identifying the selected device (col. 24, lines 38-52);

- A processor for selecting a record, the selected record including a second identifier and configuration information **concerning the selected or custom configuration for the selected device, the selected or custom configuration corresponding to a predetermined feature set of the selected device**, the processor determining whether the second identifier corresponds to the first identifier obtained (col. 24, lines 46-52 and col. 24, line 60 through col. 25, line 37); and
- An output element for causing **the generic configuration of** the selected device to be configured based on the configuration information when it is determined that the second identifier corresponds to the first identifier (see fig. 1, ref. num 112, connected to 118 [by system configurations], which is connected to 120 [by system configurations]).

Fisher et al. does not teach the cryptographic elements or the data being encrypted.

Chou et al. teaches the cryptographic element and encrypting the supplied data (col. 6, lines 20-33, col. 7, lines 14-35 and col. 8, lines 18-34).

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to combine a cryptographic element and encrypting the supplied data, as taught by Chou et al., with the method/apparatus of Fisher et al., because the supplied data represents a serial number (which is unique to each computer); encrypting the unique data prevents anyone else from obtaining the unique data.

Regarding claims 2 and 20, Fisher et al. as modified by Chou et al. teaches wherein the coded information including encrypted information concerning the identity of the selected device (see col. 4, lines 6-19 of Chou et al.).

Regarding claims 3, 17, 21, and 34, Fisher et al. as modified by Chou et al. teaches wherein the encrypted information concerns a serial number of the selected device (see col. 24, line 49 of Fisher et al.).

Regarding claims 4, 18, 22, and 35, Fisher et al. as modified by Chou et al. teaches wherein the encrypted information is encrypted in accordance with a public key algorithm (see col. 6, lines 20-33 of Chou et al.).

Regarding claims 5, 11, 23, and 29, Fisher et al. as modified by Chou et al. teaches wherein the coded information including a digital signature resulting from cryptographically signing at least part of the request (see col. 8, lines 36-41 of Chou et al.).

Regarding claims 6, 13, 24, and 30, Fisher et al. as modified by Chou et al. teaches wherein the information objects include software components (see col. 8, lines 62-67 of Fisher et al.).

Regarding claims 7, 14, 25, and 31, Fisher et al. as modified by Chou et al. teaches wherein the information objects include data (see col. 10, lines 17-20 of Fisher et al.).

Regarding claims 8 and 26, Fisher et al. teaches a method/apparatus configurable by a server through a communications network, the apparatus comprising:

- A processor for generating a request **that is generated upon initial power up of the apparatus for configuration of the apparatus from a generic configuration to a selected or custom configuration** which includes therein coded information for verification by the server of an identity of the apparatus (col. 24, lines 38-52);
- An interface for receiving information objects **corresponding to a predetermined feature set of the apparatus** for configuring the apparatus from the server through the communications network when the identity of the apparatus is verified by the server, **the information objects modifying the generic configuration of the apparatus** (col. 24, lines 46-52 and col. 24, line 60 through col. 25, line 37);
- A memory (fig. 1, ref. num 112); and

- A loader for directing the information objects to be loaded in the memory in accordance with a predetermined plan (fig. 8A-8F).

Fisher et al. does not teach generating coded information using the cryptographic element.

Chou et al. teaches generating coded information using the cryptographic element (col. 6, lines 20-33, col. 7, lines 14-35 and col. 8, lines 18-34).

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to combine generating coded information using the cryptographic element, as taught by Chou et al., with the method/apparatus of Fisher et al., because the coded information consists of information pertaining to software for a particular user; encrypting the coded information prevents anyone else from illegally obtaining the software/data.

Regarding claims 9 and 27, Fisher et al. as modified by Chou et al. teaches wherein the cryptographic element includes a private key (see col. 6, lines 20-33 of Chou et al.).

Regarding claims 10 and 28, Fisher et al. as modified by Chou et al. teaches wherein the request is automatically generated on an initial power up of the apparatus (see col. 24, lines 41-42 of Fisher et al.).

Regarding claim 12, Applicant's admitted prior art teaches comprising a franking system, because applicant did not contest the official notice statement made by examiner in the previous office action.

Regarding claims 16 and 33, Fisher et al. as modified by Chou et al. teaches wherein the cryptographic element includes a public key (see col. 6, lines 20-33 of Chou et al.).

### ***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any



extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brandon S. Hoffman whose telephone number is 571-272-3863. The examiner can normally be reached on M-F 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz R. Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Brandon S. Hoffman*

BH

CHRISTOPHER REVAK  
PRIMARY EXAMINER

*CR* 4/9/06